

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

3M Innovative Properties Company and
3M Company,

Plaintiffs,

v.

TransWeb L.L.C.,

Defendant.

Civ. Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs 3M Innovative Properties Company and 3M Company (collectively “3M”) file this Complaint and demand for jury trial seeking relief for patent infringement by the Defendant TransWeb L.L.C. (“TransWeb”). 3M states and alleges the following:

The Parties

1. Plaintiff 3M Innovative Properties Company is a corporation organized and existing under the laws of the state of Delaware with its principal place of business at 3M Center, St. Paul, Minnesota 55133-3427.

2. Plaintiff 3M Company is a corporation organized and existing under the laws of the state of Delaware with its principal place of business at 3M Center, St. Paul, Minnesota 55133.

3. Upon information and belief, TransWeb is a limited liability corporation organized under the laws of the state of New Jersey and having its principal place of business at 1473 West Forest Grove Road, Vineland, New Jersey 08360.

Jurisdiction and Venue

4. This action arises under the patent laws of the United States, 35 U.S.C. §§ 271, 281-285.

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over TransWeb under Minn. Stat. §543.19. TransWeb has continuous and systematic contacts in Minnesota. On information and belief, TransWeb has offered to sell products in Minnesota that infringe the patents-in-suit.

7. Venue is proper in this Judicial District under 28 U.S.C. § 1391(b) and (c) and § 1400(b).

Patents-In-Suit

8. On June 4, 2002, United States Patent No. 6,397,458 (“the ‘458 Patent”) was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘458 Patent is attached to this Complaint as Exhibit A.

9. On October 26, 2004, United States Patent No. 6,808,551 (“the ‘551 Patent”) was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘551 Patent is attached to this Complaint as Exhibit B.

10. 3M IPC is the owner by assignment of all right, title and interest in the ‘458 Patent and the ‘551 Patent. 3M is the exclusive licensee of the ‘458 Patent and the ‘551 Patent.

Count One – Infringement of United States Patent No. 6,397,458

11. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 10 as if fully stated herein.

12. Upon information and belief, TransWeb is directly infringing the '458 Patent by using a process that infringes the '458 Patent and by making, using, offering to sell, and/or selling products that infringe the '458 Patent, including but not limited to products bearing brand codes THHET-035 and THHET-050 in this district and elsewhere in the United States, in violation of 35 U.S.C. § 271.

13. Upon information and belief, TransWeb will continue to infringe the '458 Patent unless and until TransWeb is enjoined by this Court.

14. As a result, Plaintiffs will be damaged and will be irreparably injured unless and until TransWeb's infringing activities are enjoined by this Court.

Count Two – Infringement of United States Patent No. 6,808,551

15. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 14 as if fully stated herein.

16. Upon information and belief, TransWeb is directly infringing the '551 Patent by using a process that infringes the '551 Patent and by making, using, offering to sell, and/or selling products that infringe the '551 Patent, including but not limited to products bearing brand codes THHET-035 and THHET-050 in this district and elsewhere in the United States, in violation of 35 U.S.C. § 271.

17. Upon information and belief, TransWeb will continue to infringe the '551 Patent unless and until TransWeb is enjoined by this Court.

18. As a result, Plaintiffs will be damaged and will be irreparably injured unless and until TransWeb's infringing activities are enjoined by this Court.

Prayer for Relief

Plaintiffs respectfully ask this Court to:

A. Enter judgment that TransWeb has infringed the '458 Patent and the '551 Patent under 35 U.S.C. § 271;

B. Enter an order preliminarily and permanently enjoining TransWeb, and its respective officers, agents, servants and employees, attorneys and all persons in active concert or participation with any of the foregoing who receive actual notice by personal service of the orders from infringing the '458 Patent and the '551 Patent in violation of 35 U.S.C. § 271;

C. Award Plaintiffs their respective damages in amounts sufficient to compensate them for TransWeb's infringement of the '458 Patent and the '551 Patent, together with prejudgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;

D. Declare this case to be exceptional under 35 U.S.C. § 285 and to award Plaintiffs their attorneys fees, expenses and costs incurred in this action;

E. Perform an accounting of TransWeb's infringing sales through trial and judgment; and

F. Award Plaintiffs such other and further relief as this Court deems just and proper.

Demand For Jury Trial

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues appropriately triable by a jury.

Dated: May 21, 2010

FISH & RICHARDSON P.C.

By: /s/ John C. Adkisson

John C. Adkisson (#266358)
adkisson@fr.com
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
Tel: (612) 335-5070
Fax: (612) 288-9696

Juanita M. Brooks
brooks@fr.com
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
Tel: (858) 678-5070

OF COUNSEL:

Kevin Rhodes (#318115)
krhodes@mmm.com
Peter L. Olson (#221491)
plolson4@mmm.com
Karl G. Hanson (#215302)
kghanson@mmm.com
3M Innovative Properties Company
3M Center, P.O. Box 33427
St. Paul, MN 55144
Phone: (651) 736-4533
Fax: (651) 737-2948

Attorneys for Plaintiffs
3M INNOVATIVE PROPERTIES COMPANY
and 3M COMPANY

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